

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Establishing the Digital Opportunity Data Collection)	WC Docket No. 19-195
)	
Modernizing the FCC Form 477 Data Program)	WC Docket No. 11-10

**COMMENTS OF
AT&T ON PETITIONS FOR RECONSIDERATION OF CTIA**

I. INTRODUCTION AND SUMMARY.

AT&T Services, Inc. on behalf of its affiliates (“AT&T”) files these comments in response to the following two CTIA Petitions for Reconsideration: (a) CTIA Petition for Reconsideration of the Third Digital Opportunity Data Collection Report and Order (“CTIA May 2021 Petition”),¹ and (b) CTIA Petition for Reconsideration of the Second Digital Opportunity Data Collection Report and Order (“CTIA September 2020 Petition”),² urging the Commission to reconsider certain requirements of the above Orders.

AT&T applauds the Commission’s efforts to modernize the collection of broadband deployment data as required by the Broadband DATA Act (“Act”).³ The Commission has long

¹ See Petition for Reconsideration of CTIA, WC Docket Nos. 19-195, 11-10 (May 7, 2021)(“May 2021 Petition”); *In re Establishing the Digital Opportunity Data Collection*, Third Report and Order, 36 FCC Rcd 1126 (2021) (“*Third DODC Order*”).

² See Comments and Petition for Reconsideration of CTIA, WC Docket Nos. 19-195, 11-10 (September 8, 2020) (“September 2020 Petition”); *In re Establishing the Digital Opportunity Data Collection*, Second Report and Order and Third Further Notice of Proposed Rulemaking, 35 FCC Rcd 7460 (2020) (“*Second DODC Order*”).

³ See Broadband DATA Act, 47 U.S.C. §642.

sought ways in which it may improve the quality and accuracy of the broadband information the Commission collects as well as streamline reporting requirements and thereby reduce the burden on filing parties.⁴ AT&T is fully supportive of the Commission's efforts and is committed to working with the Commission to help ensure accurate broadband mapping.

Overall, the new requirements established in the Commission's recent *Third DODC Order* and the *Second DODC Order* strike the right balance between collecting more granular data, which will help the Commission better evaluate broadband availability for various public policy purposes, while minimizing the burden on providers.

AT&T agrees with CTIA, however, that the Commission should reconsider a handful of requirements: i.e., the requirement to file heat maps, the base forfeiture amounts for violation of DODC rules, and the requirement to model in-vehicle coverage maps. For the above requirements, the burden on providers far outweighs any marginal benefit to the Commission. On the requirement of public filing of link budgets, AT&T continues to believe that transparency and public filing of the link budgets will better achieve the objectives of the Act.

II. THE COMMISSION SHOULD GRANT CTIA'S PETITION TO RECONSIDER THE REQUIREMENT THAT MOBILE PROVIDERS SUBMIT HEAT MAPS.

In the *Third DODC Order*, the Commission requires mobile providers to submit, for each propagation map they submit, a second set of maps showing the Received Signal Strength Indicator (RSSI) or Reference Signal Received Power (RSRP) in the coverage area of each technology.⁵ The Commission states further that these maps, referred to as "heat maps," will be

⁴ See, *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Further Notice of Proposed Rulemaking, 32 FCC Rcd 6329, 6331, para 6 (2017).

⁵ *Third DODC Order* at ¶ 37.

publicly available.⁶ According to the Commission the purpose is to assist FCC staff to verify service coverage predictions.⁷ In its May 2021 Petition, CTIA urges the Commission to reconsider the requirement to submit heat maps that are not a reliable predictor of consumer experience.⁸ AT&T supports CTIA's request.

As stated above, AT&T has consistently supported the Commission's efforts to improve the accuracy of mapping. AT&T has also advocated for greater disclosure of the details of filers' propagation mapping processes.⁹ However, the requirement for RSRP data is unnecessary.

First, this data does not serve the purposes of the Act or the Commission's Orders. The primary purpose of the Act and the Commission's efforts is to map broadband availability, and the presence of signals (even in variable form as is the case with heat maps) cannot always confirm service coverage or availability. The Commission itself previously has agreed with AT&T and other parties that signal strength is not a reliable predictor of consumer experience in a given area.¹⁰ The Commission has recognized that signal strength in a given area can be affected by a variety of factors unrelated to the availability of coverage or the broadband speeds in the area, such as spectrum band, network design, and device operating capabilities. Therefore, signal strength maps appear to serve no purpose in the Commission's efforts to accurately map mobile broadband coverage. Second, the Commission already is poised to receive an unprecedented amount of coverage data, including never-before-submitted link budgets, as well as propagation

⁶ *Id.*

⁷ *Id.*

⁸ CTIA's May 2021 Petition at 5.

⁹ See, Comments of AT&T in response to the Commission's *Report and Order and Second Further Notice of Proposed Rulemaking*, WC Docket Nos. 19-195, 11-10 (September 23, 2019), at 1 (AT&T Comments).

¹⁰ *Third DODC Order* at ¶ 38 ("We agree with the majority of commenters that, given the variety of factors that may affect signal strength, we should not adopt a standardized minimum signal strength parameter value.").

models that are expected to follow more rigorous standards. Further, the link budgets now required by the Commission will already contain information about signal strength data.¹¹ Given all the information the Commission already has required – and not yet reviewed – there really is no reason for the Commission to require heat maps at this time. AT&T agrees with CTIA that the Commission has not explained adequately why it needs a second set of maps and additional RSRP data to verify propagation model coverage predictions in light of all the other data currently being submitted to the Commission.

If the Commission nonetheless sees some value in receiving heat maps it should require such additional heat maps on a case-by-case basis.¹² In the *Third DODC Order* the Commission specified that it can require on a case-by-case basis that the provider submit either infrastructure information or on-the ground test data for where the provider claims to provide coverage.¹³ The same process can be applied here. This would greatly reduce the burden on filers.

Additionally, if the Commission requires the filing of heat maps - either as part of a regular filing or on a case-by-case basis - it should protect the confidentiality of such filings. The RSRP maps contain competitively sensitive information about network design, planning, and cell site locations. To share them publicly would harm providers and risk network security. The Commission should mitigate the effect of its requirement by ensuring that any information filed with the Commission is subject to confidentiality protections. If, on the other hand, the Commission determines the data needs to be filed publicly, AT&T agrees with CTIA that the Commission should reduce the signal-value range to minimize the risk that heat maps could be

¹¹ AT&T Comments at 7-8.

¹² CTIA's May 2021 Petition at 7.

¹³ *Third DODC Order* at ¶ 50.

used to identify the location of cell sites and thereby compromise security of those sites.¹⁴ For all the above reasons, AT&T believes the Commission should reconsider its requirement that mobile providers submit heat maps.

III. THE RECORD SUPPORTS GRANTING CTIA'S PETITION THAT THE BASE FORFEITURE AMOUNT ALIGN WITH COMPARABLE PROGRAMS.

In the *Third DODC Order*, the Commission imposed a base forfeiture amount of \$15,000 per violation on providers that file materially inaccurate or incomplete information.¹⁵ AT&T agrees with CTIA that the base forfeiture amount is excessive and disproportionate to fines in other comparable programs.¹⁶

There is nothing in the record that supports establishing the base forfeiture at \$15,000. In fact, as commenters have noted, the Commission has consistently found that a base forfeiture of \$3,000 is sufficient to deter violations of defaults on universal service deployment obligations.¹⁷ As CTIA points out, the Commission only recently determined that a base forfeiture of \$3,000 per census block group is sufficient for the Rural Digital Opportunity Fund (RDOF) if winning bidders default and fail to deploy broadband to unserved locations in these areas.¹⁸ There is no justification – and no explanation from the Commission – on why the base forfeiture amount in this proceeding is five times higher than in other proceedings that serve equally important public policy goals.

Indeed, establishing a disproportionately higher base forfeiture amount will have a chilling effect on the provision of data and information that is so important to the success of the

¹⁴ CTIA's May 2021 Petition at 8.

¹⁵ *Third DODC Order* at ¶ 140.

¹⁶ CTIA's May 2021 Petition at 9.

¹⁷ *See*, Comments of USTelecom at 2, T-Mobile at 6, WISPA at 2-3.

¹⁸ *See*, CTIA's May 2021 Petition at 9-10.

program. In this program both the Commission and the industry are launching into a new and complex method of mapping. Providers will need time – and likely make good faith mistakes – as they interpret the Commission’s requirements and submit information. The fines can increase exponentially if errors are based on incorrect assumptions and, particularly for smaller providers, the effect can be extremely detrimental to the business. Thus, the purpose and the record of the broadband mapping effort supports granting CTIA’s request that the base forfeiture amount align with comparable programs.

IV. THE COMMISSION SHOULD GRANT CTIA’S PETITION TO ELIMINATE THE REQUIREMENT THAT MOBILE PROVIDERS MODEL IN-VEHICLE COVERAGE FOR EACH MOBILE WIRELESS TECHNOLOGY.

In the *Second DODC Order* the Commission required that propagation maps submitted by providers predict outdoor coverage, which should include both (1) on-street or pedestrian stationary usage and (2) in-vehicle mobile usage.¹⁹ In its September 2020 Petition, CTIA requested the Commission to reconsider the requirement of the filing of in-vehicle coverage maps.²⁰ AT&T supports CTIA’s request.

The Commission should only require providers to submit outdoor stationary coverage maps for each technology. The Commission’s additional requirement for in-vehicle coverage *doubles* the number of maps required for submission, thus creating an unnecessary burden on providers who are trying to comply with already established rigorous mapping standards for stationary coverage and preparing associated mapping data for submission.

Additionally, the Commission has provided no justification for the requirement of in-vehicle coverage maps. Indeed, AT&T submits the request is unjustified at this time because it is not possible for the Commission to gain any kind of useful information from in-vehicle

¹⁹ *Second DODC Order* at 48.

²⁰ CTIA’s September 2020 Petition at 5-7.

coverage maps until the Commission has provided additional standardized parameters for all providers to adhere to. For example, the Commission would need to provide in-vehicle loss values and other in-vehicle parameters per frequency band to ensure that all providers report “in-vehicle” coverage consistent with the Commission’s expectations. Further, in-vehicle coverage would differ depending on the roads where vehicles are likely to be and, to obtain some point of comparison, road layers would have to be standardized among providers to show coverage over the same pre-defined and pre-established road layers. Also, different roads have differing speeds associated with them and performance characteristics associated with the receivers and devices on the roads vary as well. As a result, to properly measure in-vehicle coverage, roads would have to be broken down by speed, an extremely daunting task for all concerned. All these issues, and more, would need to be resolved for effective use of in-vehicle maps. Further, as CTIA explains, the use of complex and inconsistent in-vehicle maps would undermine the Act’s and Commission’s goals of a user-friendly challenge process because a challenger would have to replicate those precise parameters for its challenge to be credible.²¹ These added complexities with in-vehicle coverage reporting clearly outweigh any possible benefit from obtaining additional information from the maps. Therefore, the Commission should eliminate the requirement of in-vehicle coverage maps.

V. THE COMMISSION SHOULD CONTINUE TO REQUIRE PROVIDERS TO DISCLOSE LINK BUDGETS PUBLICLY.

In the *Second DODC Order*, the Commission required mobile service providers to submit link budgets publicly subject to individual requests for confidential treatment, so that the information is available to those who wish to challenge provider-submitted coverage maps.²² In

²¹ CTIA’s September 2020 Petition at 6; *See also*, 47 U.S.C. section 642(b)(5).

²² *Second DODC Order* at 48-49.

its September 2020 Petition, CTIA asked the Commission to maintain the confidentiality of wireless link budgets consistent with the confidential treatment afforded by the Commission for link budgets of fixed wireless providers. While AT&T agrees that generally wireless and fixed service providers should be treated in the same manner, AT&T believes it is important that link budgets be filed publicly.

AT&T has long advocated for the Commission to require transparency in how providers generate their maps.²³ The best way to ensure reliability of propagation maps used by providers to generate their coverage maps is to require transparency into the modeling process, including a detailed link budget with a description of how the link budget was developed to generate the coverage contour submitted. Link budgets provide data inputs for the propagation model and are the underlying data used to generate the coverage map. Transparency, and public filing of link budgets, will promote accuracy because filers will know that both the Commission and other parties will be able to identify any shortcomings in their methodologies that lead to inaccurate maps.

Thus, AT&T believes the Commission's treatment of link budgets is correct.²⁴ To the extent the Commission wishes to treat the two categories of providers in the same manner, the remedy should be to make link budgets of both – fixed and mobile wireless providers - available publicly. To do otherwise would be taking a step backwards instead of ensuring accuracy of data and coverage maps.

²³ AT&T Comments at 4, 8.

²⁴ AT&T notes that the Commission does permit individual requests for confidentiality to the extent a provider views certain link budget information as confidential. *Second DODC Order* at footnote 139.

VI. CONCLUSION

The Commission should grant CTIA's Petitions for Reconsideration regarding heat maps, base forfeiture amounts, and in-vehicle coverage maps. The Commission should continue to require that link budgets be available to the public for review. To do so would ensure an appropriate balance between collecting the necessary data to ensure accurate maps while minimizing the burden on providers.

Respectfully submitted,

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